

## **CHAPTER 27-02-06**

### **EMPLOYER ELECTIONS TO COVER MULTISTATE WORKERS**

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**27-02-06-01. Interstate reciprocal coverage arrangement.** This chapter governs the North Dakota bureau in its administrative cooperation with other states subscribing to the interstate reciprocal coverage arrangement, hereinafter referred to as the arrangement.

**General Authority:** NDCC 52-02-02

**Law Implemented:** NDCC 52-02-15

**27-02-06-02. Definitions.** As used in this chapter, unless the context clearly indicates otherwise:

1. "Agency" means any officer, board, commission, or other authority charged with the administration of the unemployment compensation law of a participating jurisdiction.
2. "Interested jurisdiction" means any participating jurisdiction to which an election submitted under this chapter is sent for its approval; and "interested agency" means the agency of such jurisdiction.
3. "Jurisdiction" means any state of the United States, the District of Columbia, Puerto Rico, Canada, or, with respect to the federal government, the coverage of any federal unemployment compensation law.
4. "Participating jurisdiction" means a jurisdiction whose administrative agency has subscribed to the arrangement and whose adherence thereto has not terminated.
5. "Services customarily performed by an individual in more than one jurisdiction" means services performed in more than one jurisdiction during a reasonable period, if the nature of the services gives reasonable assurance that they will continue to be performed in more

than one jurisdiction or if such services are required or expected to be performed in more than one jurisdiction under the election.

**General Authority:** NDCC 52-02-02

**Law Implemented:** NDCC 52-02-15

**27-02-06-03. Submission and approval of coverage elections under the interstate reciprocal coverage arrangements.**

1. Any employing unit may file an election, on form rc-1, to cover under the law of a single participating jurisdiction all of the services performed for the employing unit by any individual who customarily works for the employing unit in more than one participating jurisdiction.

The election may be filed, with respect to an individual, with any participating jurisdiction in which:

- a. Any part of the individual's services are performed;
  - b. The individual has residence; or
  - c. The employing unit maintains a place of business to which the individual's services bear a reasonable relation.
2. The agency of the elected jurisdiction (thus selected and determined) shall initially approve or disapprove the election.

If the agency approves the election, it shall forward a copy thereof to the agency of each other participating jurisdiction specified thereon, under whose unemployment compensation law the individual or individuals in question might, in the absence of such election, be covered. Each such interested agency shall approve or disapprove the election, as promptly as practicable, and shall notify the agency of the elected jurisdiction accordingly.

In case its law so requires, any such interested agency may, before taking such action, require from the electing employing unit satisfactory evidence that the affected employees have been notified of, and have acquiesced in, the election.

3. If the agency of the elected jurisdiction, or the agency of any interested jurisdiction, disapproves the election, the disapproving agency shall notify the elected jurisdiction and the electing employing unit of its action and of its reasons therefor.
4. The election shall take effect as to the elected jurisdiction only if approved by its agency and by one or more interested agencies.

An election thus approved shall take effect, as to any interested agency, only if it is approved by such agency.

5. In case any election is approved only in part, or is disapproved by some of such agencies, the electing employing unit may withdraw its election within ten days after being notified of such action.

**General Authority:** NDCC 52-02-02

**Law Implemented:** NDCC 52-02-15

**27-02-06-04. Effective period of elections for reciprocal coverage.**

**1. Commencement.**

- a. An election duly approved under this chapter shall become effective at the beginning of the calendar quarter in which the election was submitted, unless the election, as approved, specifies the beginning of a different calendar quarter.
- b. If the electing unit requests an earlier effective date than the beginning of the calendar quarter in which the election is submitted, such earlier date may be approved solely as to those interested jurisdictions in which the employer had no liability to pay contributions for the earlier period in question.

**2. Termination.**

- a. The application of an election to any individual under this chapter shall terminate, if the agency of the elected jurisdiction finds that the nature of the services customarily performed by the individual for the electing unit has changed, so that they are no longer customarily performed in more than one participating jurisdiction. Such termination shall be effective as of the close of the calendar quarter in which notice of such finding is mailed to all parties affected.
- b. Except as provided in subdivision a, each election approved hereunder shall remain in effect through the close of the calendar year in which it is submitted, and thereafter until the close of the calendar quarter in which the electing unit gives written notice of its termination to all affected agencies.
- c. Whenever an election under this chapter ceases to apply to any individual, under subdivision a or b, the electing unit shall notify the affected individual accordingly.

**General Authority:** NDCC 52-02-02

**Law Implemented:** NDCC 52-02-15

**27-02-06-05. Reports and notices by the unit electing reciprocal coverage.**

1. The electing unit shall promptly notify each individual affected by its approved election, on the form rc-2 supplied by the elected jurisdiction, and shall furnish the elected agency a copy of such notice.
2. Whenever an individual covered by an election under this chapter is separated from the individual's employment, the electing unit shall again notify the individual, forthwith, as to the jurisdiction under whose unemployment compensation law the individual's services have been covered. If at the time of termination the individual is not located in the elected jurisdiction, the electing unit shall notify the individual as to the procedure for filing interstate benefit claims.
3. The electing unit shall immediately report to the elected jurisdiction any change which occurs in the conditions of employment pertinent to its election, such as cases where an individual's services for the employer cease to be customarily performed in more than one participating jurisdiction or where a change in the work assigned to an individual requires the individual to perform services in a new participating jurisdiction.

**General Authority:** NDCC 52-02-02

**Law Implemented:** NDCC 52-02-15

**27-02-06-06. Approval of reciprocal coverage elections.** The executive director of the bureau hereby delegates to the director of the unemployment compensation division authority to approve or disapprove reciprocal coverage elections in accordance with this chapter.

**General Authority:** NDCC 52-02-02

**Law Implemented:** NDCC 52-02-15